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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/690,790  | 10/22/2003  | Richard Reardon      | REA-101US            | 5618             |
| 24314   | 7590        | 12/27/2004           | EXAMINER             |                  |
| JANSSON, SHUPE & MUNGER, LTD<br>245 MAIN STREET<br>RACINE, WI 53403 |             |                      | SHAW, ELIZABETH ANNE |                  |
|   |             |                      | ART UNIT             | PAPER NUMBER     |
|   |             |                      | 3644                 |                  |

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |   |  |
|------------------------------|--------------------------------------|--|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/690,790 |  | <b>Applicant(s)</b><br>REARDON, RICHARD |  |
|                              | <b>Examiner</b><br>Elizabeth A. Shaw |  | <b>Art Unit</b><br>3644                 |  |
|                              |                                      |  |   |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 04 October 2004.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 2, 5-18 and 20 is/are allowed.

6) ☒ Claim(s) 1, 3, 4 and 19 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____. |
|--|--|

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3 and 19 have been considered but are moot in view of the new ground(s) of rejection. Also note the previously allowed claim 4 is now rejected under the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunn (2,212,746) in view of Epstein (5,435,272). Nunn shows a harness for a child comprising a support belt 1 for encircling the child's waist having a front portion and a rear portion and first and second ends (unnumbered) being connected together at a coupling 5 at the rear portion, see figure 1; an upper torso support component 2, 3 extending from the front portion to the rear portion and a handle 4 for allowing the child to be lifted and supported by the harness. The handle 4 having top and bottom ends, see figure 3, the top end connected to the rear portion of the upper torso support component 2, 3 by D-rings 21, 22 and at the bottom end connected to the rear portion of the lower torso support component 1, by D-ring 24 such that when supporting the child aloft by the handle 4, no coupling 5 bears the child's weight. Nunn does not disclose the use of a crotch support member. Epstein shows a child harness having a support

belt 18, upper torso support 1, 2, handle 15 and a bifurcated crotch support member (unnumbered), see fig. 1. With respect to claims 1 and 19, to use the bifurcated crotch support member of Epstein with the harness of Nunn would have been obvious to one skilled in the art in order to provide more secure and even weight distribution when lifting the child wearing the harness.

***Allowable Subject Matter***

Claims 2, 5-18 and 20 are allowed.

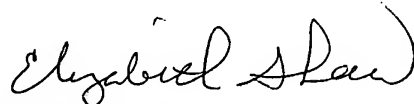
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference are: Gilliam (1,193,374), Martusciello (5,388,551), Burks (6,317,050), Veitch (6,338,699) and Guynn (2004/0112302).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 703-308-1853. The examiner can normally be reached on M-Th 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Elizabeth A. Shaw  
Examiner  
Art Unit 3644

December 22, 2004

  
TERI PHAM LUU  
SUPERVISORY  
PRIMARY EXAMINER